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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,463	11/21/2003	Bruce A. Williams	3044-73785	2599
23643	7590	03/22/2006	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			VARGOT, MATHIEU D	
			ART UNIT	PAPER NUMBER

1732

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

OW

Office Action Summary	Application No.	Applicant(s)	
	10/719,463	WILLIAMS, BRUCE A.	
	Examiner	Art Unit	
	Mathieu D. Vargot	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/1 & 4/26/04</u> . | 6) <input type="checkbox"/> Other: ____. |

1. Claims 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17, line 8, "plastic-receiving" should be "plastic-receiving space".

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 8-132477 (see Figure 6).

The applied reference discloses the instant method of making a molded container with an image-carrying sheet using the instant mold and flow pattern—see Figure 6 therein for the flows and arrangement of the sheet (1), disk-like portion and ridge-like portions (12 and 13) of the flow cavity.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 8-132,477.

Japanese –477 discloses the basic claimed method lacking essentially that the central region of the disk-like space is domed. It is submitted that this design is conventional in

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the art and would have been an obvious modification so that the injected resin can be dispersed without affecting the flow properties of the molten resin—ie, the domed area acts as a buffer for the rest of the injected resin.

4. Claims 1-5, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 8-132,477 in view of Japanese Patent 2000-6197. The primary reference discloses the basic claimed process lacking essentially the aspect of using “stand-offs” in the mold which help to locate the sleeve. Japanese –197 teaches label retainers (see 3, 6) on the mold which keep the sleeve in place during injecting of the molten resin, projection 6 clearly forming a notch in the molded cup which formed in the bottom of the cup—see line A in Figures 1 and 6. It would have been obvious to one of ordinary skill in the art to modify the method of Japanese –477 as taught by Japanese –197 to facilitate the placement of the sleeve in the mold cavity.

5. Claims 6, 7, 12, 13 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 8-132,477 in view of Japanese patent 2000-6197 and Raymond et al 2005/0053737.

Japanese –477 and –1976 disclose the basic claimed method lacking essentially the aspects of the image-carrying sheet being a lenticular lens sheet, curling the sheet prior to placing it in the mold, and the particular plastic-receiving space recited in instant claims 17-20. Raymond et al teaches these aspects and such would have been an obvious modification to the process of the primary reference dependent on the exact design desired for the label and that for the cup. Clearly, these (ie, the lenticular sleeve

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and design of the cup) are all well known in the art and one of ordinary skill would have been expected to know of them.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on 571 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
March 16, 2005


Mathieu D. Vargot
Primary Examiner
Art Unit 1732

3/16/05